

election of the Group VI invention, as claims 50-53 are directed to nucleic acids encoding the REG protein and claims 54 and 55 recite the REG sequence in conjunction with the inducible promoter which it acts on.

New claims 56-58, which are also considered to be in keeping with the foregoing election of the Group VI invention, are directed to vectors comprising the nucleic acid of new claim 50 and otherwise correspond to original claims 32, 33 and 35. New claims 59 and 60 are directed to hosts transformed with the specific vectors of claims 56 and 32, respectively.

The subject matter of new claims 50-60 is clearly linked by a common technical feature so as to constitute a single general inventive concept under PCT Rule 13.1.

New claim 50 corresponds to original claims 26 and 28. New claim 54 corresponds substantially to original claims 27 and 28. New claims 51 and 52, which depend from new claims 50 and 51, respectively, are supported by Figs. 3 and 4 and the accompanying description thereof. New claim 53 has support in the present specification at page 17, lines 26-36. New claim 54 corresponds essentially to original claim 27, and is further based on page 39, lines 23-36 of the present specification. New claim 55, which depends from new claim 54, has support in the present specification at page 40, lines 14-25, as well as in Figs. 3 and 4 and the accompanying description thereof.

Support for new claims 56-58 is provided by original claims 32, 33 and 35. Support for new claims 59 and 60 is provided in the present specification at page 20, line 19.

Also in accordance with the present amendment, claims 36 and 48 have been canceled, along with claims 1-29 and 38-47.

Claims 1-29 and 38-47 are directed to non-elected subject matter.

No new matter has been introduced into this application by reason of any of the amendments presented herewith.

Applicants hereby reserve the right to file one or more continuing applications, as provided under 35 U.S.C. §120 on the subject matter of the non-elected claims.

Early and favorable action on the merits of this application is respectfully requested.

Respectfully submitted,

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Enclosure

MARKED-UP VERSION OF AMENDED CLAIMS

30. (Amended) A nucleic acid as claimed in claim 54 (any one of claims 26 to 29) further comprising a heterologous signal gene operably linked to the inducible promoter.

32. (Amended) A vector comprising the nucleic acid of claim 30 [or claim 31].

33. (Amended) A vector as claimed in claim 32 comprising at least one [or more] of the following: luxAB signal genes; sacB gene; antibiotic resistance; RP4/RK2 mobilizing elements.

34. (Amended) A vector as claimed in claim 33 which is pJP7 as described herein.

37. (Amended) A method as claimed in claim 35 [or claim 36] wherein the host cell is a mycolic acid bacterium of the same strain from which at least one of the inducible promoter and[/or] operon proteins were isolated.